

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRADLEY A. ARNDT,

Plaintiff,

vs.

FORD MOTOR COMPANY,
a Delaware corporation,

Defendant.

Case No: 15-CV-11108
Honorable Paul D. Borman
Magistrate Anthony P. Patti

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Raymond J. Sterling (P34456)
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**PLAINTIFF'S MOTION FOR A STAY PENDING APPEAL
WITH RESPECT TO TAXATION OF COSTS**

Plaintiff Bradley A. Arndt, by his attorneys Sterling Attorneys at Law, P.C. moves for a stay pending appeal with respect taxation of costs in this matter pursuant to FRCP 62 and states:

1. On March 29, 2017 this Court issued its Opinion and Order Granting Defendant's Motion for Summary Judgment, and entered judgment in favor of Defendant (Doc #97, #98).

2. On April 11, 2017, Plaintiff filed his Notice of Appeal (Doc #104).

3. On April 19, 2017, Defendant submitted its Bill of Costs (Doc #103). Also on April 19, 2017, the taxation clerk taxed costs against Plaintiff in the amount of \$5,136.24 (Doc #104).

4. Pursuant to Fed R Civ P 62 (g)(1), Plaintiff moves for a stay with respect to any further taxation proceedings or collection attempts while this appeal is pending, in that the prevailing party may change, and given the financial disparity of the parties.

5. Concurrence has been sought, but has not been obtained.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order staying any further taxation proceedings, including collection attempts, until the conclusion of appellate proceedings.

Respectfully submitted,

STERLING ATTORNEYS AT LAW, P.C.

By: /s/Carol A. Laughbaum
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Dated: May 2, 2017

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**BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION FOR A STAY PENDING
APPEAL WITH RESPECT TO TAXATION OF COSTS**

Plaintiff Bradley A. Arndt has appealed the dismissal of this disability discrimination case to the Sixth Circuit, and now moves this Court for an Order staying further taxation or collection proceedings until the conclusion of appellate proceedings.

Costs have been taxed against Plaintiff, a disabled veteran who is self-employed as a furniture maker, in the amount of \$5,136.24 (Doc #104). To date, Ford Motor Company, which posted profits for 2016 of \$4.6B,¹ has not agreed to postpone taxation/collection proceedings.

The relief sought is authorized by Fed R Civ P 62 and the case law. *See How v City of Baxter Springs, Kansas, et al* 2006 WL 1128667 (D Ks 2006)(it is common for a losing party to request a district court to stay taxation of costs pending appeal, and it is clearly established that the taxing of costs, except as otherwise provided by statute, rests largely in the sound discretion of the trial court.... In its discretion, the Court may postpone the awarding of costs until after the resolution of the post-trial motions or even the resolution of any appeal...*Farmer v Arabian Oil Co*, 379 US 227 (1964)). A trial court can issue as stay without bond as a matter of discretion, which will not be reversed absence an abuse of discretion. *Arban v West Publishing Co*, 345 F3d 390 (6th Cir 2003).

In *MacDonald v UPS*, 07-cv-12022 (ED MI), Judge Battani, in a similar scenario, granted the plaintiff-employee's stay motion with respect to taxation of costs, without bond, citing the financial disparity of the parties. *See Exhibit A*, Order, p 6-7.

No prejudice will result to Ford Motor Company by postponing further taxation/collection proceedings in this matter.

¹ Shareholder.ford.com/reports-and-filings/annual-reports.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order staying any further taxation proceedings, including collection attempts, until the conclusion of appellate proceedings.

PROOF OF SERVICE

I certify that on May 2, 2017, I filed the foregoing paper with the Clerk of the Court using the ECF system which will electronically send notification to all counsel of record.

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Respectfully submitted,

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